

Federal Requirements for the SRF Program

There are a number of Federal laws, executive orders and government-wide policies that apply to projects and activities receiving Federal financial assistance, regardless of whether the statute authorizing the assistance makes them applicable. Since Federal capitalization grant money was used to seed the State Revolving Fund (SRF) program, any money received through the SRF program is subject to Federal “authorities”. As an example, the environmental evaluation section, covered in the Preliminary Engineering Report (PER) guideline, stems from environmental authorities, such as, the Endanger Species Act and Wild and Scenic Rivers Act. In addition, there are social policy and economic authorities that must be complied with in order to receive funding through the SRF program. These authorities include:

- Age Discrimination Act of 1975, Pub. L. 94-135
- Title VI of the Civil Rights Act of 1964, Pub. L. 88-352
- Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (Clean Water Act)
- Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250)
- Uniform Relocation and Real Property Acquisition Act, Pub. L. 91-646, as amended
- Women’s and Minority Business Enterprise, Executive Orders 11625, 12138 and 12432
- Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590
- Equal Employment Opportunity, Executive Order 11246
- Debarment and Suspension, Executive Order 12549
- Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans

This guide discusses, in more detail, the requirements of these authorities and explains the actions required of the project sponsor, in order to obtain funding from the SRF program. Please review each section and complete any associated documents.



Table of Contents

NONDISCRIMINATION IN THE SRF PROGRAM	4
UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES	
ACT OF 1970	5
LAND ACQUISITION	5
APPRAISERS	6
RELOCATION	7
CERTIFICATION	7
DISADVANTAGED BUSINESS ENTERPRISE COMPLIANCE	9
DBE DEFINITION	9
DBE CERTIFICATION	9
DBE REQUIREMENTS	10
IMPLEMENTATION OF DBE REQUIREMENTS	10
Project Design Phase	10
Bidding Phase	11
Preconstruction Phase	11
DBE DOCUMENTATION	12
Prime Contractor's Good Faith Efforts	12
REPORTING REQUIREMENTS	13
MBE/WBE Quarterly Reports	13
EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE	15
EEO DOCUMENTATION	15
REPORTING REQUIREMENTS	16
PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS	17
APPENDIX A	
Preaward Compliance Review Report for All Applicants Requesting Federal Financial Assistance (EPA form 4700-4)	
APPENDIX B	
(CWSRF) Certification Regarding Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (DHEC Form 3593)	
APPENDIX C	
(DWSRF) Certification Regarding Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (DHEC Form 3594)	
APPENDIX D	
Contacts for Procurement of DBEs	

APPENDIX E

Prime Contractor's Subagreement Certification (DHEC Form 3591)

APPENDIX F

MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Interagency Agreements (EPA Form 5700-52A)

APPENDIX G

Certification of Proposed Prime or Subcontractor Regarding Equal Employment Opportunity (DHEC Form 3592)

APPENDIX H

Certification Regarding Debarment, Suspension and Other Responsibility Matters (DHEC Form 3590)

NONDISCRIMINATION IN THE SRF PROGRAM

The SRF program is bound by the following civil rights laws which prohibit discrimination in providing services or benefits on the basis of race, color, religion, national origin, sex, handicap or age:

- The Age Discrimination Act of 1975
- Title VI of the Civil Rights Act of 1964
- Section 13 of the Federal Water Pollution Control Act Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973

These laws were amended in 1988 to make clear that their anti-discrimination powers are intended to apply to the entire operations of a project sponsor, not just the specific program, project, or activity that involves federal assistance.

To document compliance with these provisions, project sponsors must submit a Preaward Compliance Review Report for All Applicants Requesting Federal Financial Assistance (EPA form 4700-4) (Appendix A). Once reviewed by South Carolina Department of Health and Environmental Control (DHEC), this form will be forwarded to EPA, Region 4, for their approval.

EPA approval is required prior to execution of the SRF loan agreement. This approval process may take one to two months to complete. To provide enough lead time for EPA approval, DHEC recommends that this form be completed as soon as possible.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The project sponsor is required to certify in writing that it has complied with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act), **regardless of eligibility for loan participation.** This certification requirement applies to all land whether already owned, leased, purchased or used without payment. Fee simple title, long term lease, permanent easement, and use without payment are all acceptable acquisition methods. Compliance with the Uniform Act can be waived for pre-owned land or previously acquired easements, but a request for waiver stating the date of possession of such waived land or easements must be submitted. Please note, however, that **the cost of any land acquired earlier than one year prior to the date of the complete loan application is not eligible for loan participation.**

Any land acquisition involved in the project must be accomplished in accordance with the Uniform Act **whether or not the land acquired is eligible for loan assistance.** The cost of land cannot exceed fair market value and must be documented by a certified appraisal to be eligible for loan participation.

- Under the Clean Water State Revolving Fund Program (CWSRF), land is eligible only if it is an integral part of the treatment process, e.g., land application.
- Under the Drinking Water State Revolving Fund Program (DWSRF), land is eligible if it is needed to locate eligible treatment or distribution projects and is purchased from a willing seller. **Any land requiring condemnation action is not eligible for funding.**

The project sponsor must complete all land acquisition prior to loan execution. The project sponsor must have fee simple ownership or have taken possession of all land required for construction and operation of the project including all necessary right-of-ways and easements, whether acquired by donation, purchase, condemnation, written authorizations for use (such as Highway Department right-of-ways), or other acceptable means. Project sponsors must submit the certification of compliance prior to loan closing. There is no specific format that must be used. The project sponsor's attorney or the authorized representative should sign the certification statement. (See Appendix B for a sample CWSRF certification document and Appendix C for a sample DWSRF certification document that may be used. You may vary the format as long as the basic certification requirements are met.)

LAND ACQUISITION

During the process of acquisition, the landowners must be fully informed by the project sponsor, in writing, of the owners' rights under the Uniform Act. After being informed of these rights, landowners may voluntarily waive their right to an appraisal and may donate the land or easements. Such waivers should be in writing and include a statement that the landowner has read and understands his rights under the Act. In cases where the cost of the land or easement being purchased or donated is \$2500 or less, the project sponsor may waive the requirement for an appraisal. **Please note that in order for land costs to be eligible for loan assistance, an appraisal must be performed by a certified/professional appraiser.** If the landowner specifically requests an appraisal, it must be provided. Arrangements for long term lease, permanent easement, and use without payment must be adequate to ensure successful construction and operation for the life of the

project; i.e., the arrangements must not be subject to expiration or revocation which would prevent continued operation for the life of the project.

Except as noted above, all land **must** be appraised by a certified/professional appraiser with a determination of fair market value included for fee simple title or less than fee simple title, e.g., lease. Appraisals must be up-to-date. A new appraisal must be obtained if the former appraisal is dated earlier than six months prior to the date the land is acquired. Costs for eligible land acquired, for buildings, structures and improvements, and for expenses incidental to transfer are eligible for SRF participation with DHEC approval, provided expenses are adequately documented.

- Under the CWSRF, costs for litigation are also eligible for SRF participation with DHEC approval, provided expenses are adequately documented.

DHEC recommends an outside acquisition professional with experience in working with the Uniform Act requirements and eminent domain procedures.

APPRAISERS

The project sponsor must ensure the appraiser has sufficient knowledge and experience in the type of appraisal problem to be solved and is thoroughly familiar with local conditions and property values. There are professional appraiser organizations which sponsor training, publish guidance and information, require proof of attainment of expertise for certification or professional designation in the organization, and monitor work performed by their members. Appraisers who are certified or designated members of these organizations are required to follow the organization's code of ethics and are subject to disciplinary actions and dismissal for failure to perform according to the standards of the organization. A list of appraisers for a given area can be obtained from the headquartered offices of the following appraisal organizations:

- ☐ Appraisal Institute
875 North Michigan Avenue, Suite 2400
Chicago, Illinois 60611
Telephone: (312) 335-4100
- ☐ American Society of Appraisers
Post Office Box 17265
Washington, D.C. 20041
Telephone: (800) 272-8258 or (703) 478-2228
- ☐ American Society of Farm Managers and Real Estate Appraisers
950 South Cherry Street, Suite 508
Denver, Colorado 80246-2664
Telephone: (303) 758-3513
- ☐ National Association of Independent Fee Appraisers
7501 Murdoch Street
St. Louis, Missouri 63119
Telephone: (314) 781-6688

- ☐ National Association of Real Estate Appraisers
8383 East Evans Road
Scottsdale, Arizona 85260-3614
Telephone: (602) 948-8000

RELOCATION

The project sponsor must contact the Federal Highway Administration (FHA) for technical assistance if acquisition of real property results in the displacement of any person, business, or farm operation. **Relocation costs are not eligible under the SRF Program.** DHEC will request FHA confirmation of the project sponsor's certification of compliance. **If no relocation was involved in the land acquisition, it must be so stated in the project sponsor's written certification to DHEC.**

CERTIFICATION

Subsequent to land acquisition, but prior to loan execution, the project sponsor must certify to DHEC in writing that:

- ☐ The property was acquired by negotiation, if at all possible, rather than by litigation;
- ☐ The real property was appraised prior to initiation of negotiation;
- ☐ It has informed the property owner, in writing by certified mail, of his rights under the law, of acquisition policies, of requirements, and of payments which apply to the project. Specifically:
 - ☐ The property owner or his designated representative was given an opportunity to accompany the appraiser during his inspection of the property;
 - ☐ The owner was paid no less than the fair market value as established by the appraisal;
 - ☐ The seller was furnished a written statement of, and summary of the basis for, the amount established by the project sponsor as just compensation;
 - ☐ The property owner was reimbursed for necessary expenses;
 - ☐ If the acquisition of any part of the property left the owner with an uneconomic remnant, an offer was made to include that remnant in the acquisition;
 - ☐ The owner was not required to surrender possession of real property until the project sponsor paid the agreed purchase price or deposited with the court, for benefit of the owner, an amount not less the appraised fair market value of the property or the amount of award of compensation in condemnation proceedings for the property;
 - ☐ No person was required to move from his dwelling, or move his business or farm without at least 90 days written notice of the date by which the move was required;
 - ☐ No action was taken that was coercive in nature to compel an agreement on the price to be paid for the property;
 - ☐ If an owner or tenant was permitted by the project sponsor to occupy the real property on a rental basis, the amount of rent did not exceed the fair rental value of the property;

- ❑ The owner/tenant was paid just compensation for any building, structure, or improvement required to be acquired or removed from the real property;
- ❑ The owner was reimbursed fair and reasonable expenses incurred for:
 - recording fees, transfer fees, and expenses incidental to conveying real property;
 - penalty costs for prepayment of any pre-existing mortgage;
 - the pro rata portion of real property tax paid which were allocable to a period subsequent to the date of vesting title or the effective date of possession of the property, whichever is earlier;
 - litigation expenses to acquire property by condemnation, if the court:
 - rendered judgement or settlement for the owner; or
 - judges that the project sponsor cannot acquire the property by condemnation; or
 - the proceedings were abandoned by the project sponsor.

DISADVANTAGED BUSINESS ENTERPRISE COMPLIANCE

Project sponsors are required to ensure, to the fullest extent possible, that *disadvantaged businesses* have the opportunity to participate in a fair share of the contracts and subcontracts awarded in a SRF-funded project. This is required by the following executive orders and acts which EPA has determined apply to the SRF loan program:

- Women's and Minority Business Enterprise, Executive Orders 11625, 12138 and 12432
- Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988

DHEC administers this federal requirement.

DBE DEFINITION

A Disadvantaged Business Enterprise (DBE) is defined as a business which meets the criteria cited below:

- ☐ Owned by socially disadvantaged individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities; and
- ☐ Owned by economically disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished opportunities to obtain capital and credit as compared to others in the same line of business who are not socially disadvantaged.

For purposes of this definition, disadvantaged individuals include the following:

- | | |
|----------------------|--|
| ➤ Black Americans | ➤ Asian Pacific Americans |
| ➤ Hispanic Americans | ➤ Native Hawaiian Organizations |
| ➤ Native Americans | ➤ Women |
| ➤ Indian Tribes | ➤ Historically Black Colleges and Universities |

To qualify as a DBE firm, at least 51 percent of an independent business must be owned and controlled by a disadvantaged individual. The minority or woman owner's interest must be real, substantial and continuing. The determination of control depends on the extent of the minority or woman owner's control and involvement in the day-to-day management of the business enterprise.

DBE CERTIFICATION

DHEC does not determine the DBE status of businesses. Instead, the South Carolina SRF Program accepts certification of DBE status from other sources already established to make this determination, such as:

- South Carolina Statewide Minority Business Development Center (MBDC)
- South Carolina Governor's Office of Small & Minority Business Assistance
- South Carolina Department of Transportation (for women owned businesses)
- Other agencies or organizations that provide procurement assistance to DBEs if their definition of a DBE matches the criteria established above.

DBE REQUIREMENTS

Project sponsors must assure that DBE firms have the opportunity to participate in a fair share of the funds awarded for contracts and subcontracts for supplies, construction, equipment or services. The DBE "fair share" goal is a reasonable amount of funds proportionate to the project's construction costs and is usually established as a participation rate of 7.5% for minority business enterprises (MBE) and 0.5% for women owned business enterprises (WBE). Minority and women's business enterprises are separate business groups; therefore, separate goals for each group are stated. The MBE participation goal cannot be satisfied by the use of a WBE firm.

The project sponsor is required to include the fair share goals in their bid documents and to ensure all of their prime contractors include the fair share goals in their bid documents for subcontracts. The fair share goal is subject to change each fiscal year. Therefore, it is the sponsor's responsibility to check with the SRF Financial/Procurement Manager for the current fair share percentage to be included in bid documents.

The DBE regulations require that project sponsors and their prime contractors comply with the following six affirmative steps:

1. Place qualified disadvantaged businesses on solicitation lists;
2. Assure that disadvantaged businesses are solicited whenever they are potential sources;
3. Divide project requirements, when economically feasible, into small tasks or quantities to maximize participation by disadvantaged businesses;
4. Establish delivery schedules, where work requirements permit, that encourage disadvantaged business participation;
5. Use the services of the Small Business Administration and the Minority Business Development Agency of the U. S. Department of Commerce, as appropriate; and
6. Require the contractor to take the affirmative steps identified above, if subcontracts are awarded.

IMPLEMENTATION OF DBE REQUIREMENTS

The following is recommended for accomplishing the six affirmative steps of the DBE program:

Project Design Phase

The process for achieving the DBE goals begins during the design phase of the project. The standard SRF plans and specifications package contains a section called SRF Contract Documents. This section contains information on the DBE requirements for the project and clearly states the project's MBE and WBE goals. **It is mandatory for this section to be included verbatim in the project specifications.**

A unit price bid schedule is recommended over a lump sum bid schedule. Dividing work requirements into smaller segments will encourage participation by disadvantaged businesses. Some examples include masonry, plumbing, electrical, excavation, clearing and grubbing, sodding and seeding, landscaping, roofing, mechanical, sheet metal, curb and gutter, paving, hauling, fencing, tile, painting, steel erection, pipe installation, line work, heating, ventilation and air conditioning, building supplies, architect and engineering services and consultant work.

Bidding Phase

The obvious key toward successfully meeting the DBE requirements is the solicitation of minority and women's business enterprises. The following three strategies will aid in this effort:

1. Strategic placement of the Invitation for Bid (IFB) advertisement in local newspapers of general circulation, MBE/WBE publications, and statewide or regional newspapers of general circulation will help the project sponsor assure that disadvantaged businesses are actually solicited for participation in the project. The project should be advertised for a minimum of thirty (30) days in advance of bid opening.

Under the SRF loan program, one of the requirements for construction contract approval is that the prime contractor must document to DHEC that he has made good faith efforts to meet the project's DBE requirements. The most effective way for the project sponsor to assure compliance is to inform all prospective bidders of the DBE requirements in the IFB. Therefore, it is recommended that the following information be included in the IFB:

- ☐ A statement that prospective bidders must implement procedures that ensure that DBE firms are given opportunities for meaningful participation if subcontracts are awarded; and
 - ☐ A statement informing the prospective bidders of the project's DBE goals.
2. Send a copy of the IFB and a set of the project's plans and specifications to the South Carolina Statewide Minority Business Development Center (see Appendix D), retaining a copy of the transmittal letter for documentation purposes. The MBDC assists minority businesses in securing procurement contracts. The MBDC will use the projects' plans and specifications to assist their minority clients with technical assistance and bid and/or proposal preparation. Announcements of any prebid conferences should also be sent to the MBDC for distribution.
 3. Developing a DBE listing for the use of potential contractors is highly recommended. Providing the potential contractors with a list of qualified, bona fide disadvantaged business enterprises will help the project sponsor meet the DBE requirements. This can be accomplished by including the project's DBE listing in the Invitation for Bid Documents. Each potential bidder will have easy access to identified disadvantaged businesses from which to solicit subcontract proposals.

Appendix D lists state and federal agencies that can help in developing a DBE procurement list. These agencies maintain listings of disadvantaged businesses which can form the basis for a project-specific DBE listing. Any DBE firm that directly expresses interest in your project can be added to this list. This will provide a pool of DBE firms for proposal solicitation. Direct mailing of the IFB advertisement to all the firms on your DBE listing is also suggested.

Preconstruction Phase

The project sponsor should take two more steps to meet the DBE requirements. The first is establishing delivery schedules, work requirements permitting, which will encourage participation by disadvantaged businesses (affirmative step number 4). This can be done by:

- Assisting the prime contractor(s) in developing realistic delivery schedules,
- Encouraging the prime contractor(s) to consider lead times and scheduling requirements needed by disadvantaged business firms for participation, and

- Helping the prime contractor(s) maintain as much flexibility as possible, without jeopardizing the work, to facilitate DBE participation.

Second, the project sponsor *must*, in accordance with affirmative step number 6, *require that the prime contractor take the same six affirmative steps* if the prime contractor intends to award subcontracts. However, the prime contractor(s) cannot be forced to subcontract any work.

DBE DOCUMENTATION

The tentatively selected bidder is required to submit DBE documentation in duplicate to the project sponsor after bid opening. The project sponsor must forward one copy of the information to DHEC. Since the project's plans and specifications serve as documentation of the **project sponsor's** prebid efforts to provide opportunities for DBE participation, the DBE documentation submitted will primarily show the **prime contractor's** efforts to achieve the project's DBE goals.

Please note that the prime contractor(s) cannot be forced to subcontract any work. If the prime contractor elects to perform the work using only his own work force, the only documentation needed is an executed Prime Contractor's Subagreement Certification form (Appendix E) indicating the contractor has elected not to let subcontracts. However, please be aware that subcontractor utilization is monitored during construction. The project sponsor's inspector is required to list all subcontractors on the job site in the Monthly Construction Inspection Reports provided to DHEC. Use of any unapproved subcontractor on the project may delay loan draw requests or result in costs associated with that subagreement declared ineligible for SRF assistance.

Prime Contractor's Good Faith Efforts

If the prime contractor has met the project's DBE goals, submittal of the DBE documentation will be a simple and straightforward process. However, if the DBE goals have not been achieved, the prime contractor will be required to submit documentation of all good faith efforts undertaken to achieve the objectives and accomplish the six affirmative steps.

- *If the DBE goals have been met*, only the following documentation is required:
 - ☐ An executed Prime Contractor's Subagreement Certification form (Appendix E) listing *all* proposed subcontractors
 - ☐ Certification from each proposed DBE firm declaring its status as a MBE or WBE firm
- *If the DBE goals have not been met*, documentation of all good faith efforts taken to accomplish the six affirmative steps must be submitted. Such documentation includes:
 - ☐ An executed Prime Contractor's Subagreement Certification form (Appendix E) listing *all* proposed subcontractors
 - ☐ Certification from each proposed DBE firm declaring its status as a MBE or WBE firm
 - ☐ Copies of letters sent to DBE firms requesting proposals for specific subcontracting opportunities and encouraging inquiries for further details. Such letters should be postmarked no later than 15 days before bids are due to allow DBE firms sufficient time to develop quotes or proposals. Letters of a general nature which do not request quotes or proposals for **specific scope/volume of work** will not be acceptable as good faith efforts.

- ❑ Certified copies of newspaper advertisements requesting proposals from DBEs for **specific subcontracting opportunities** no less than 15 days before bids are due. Advertisements should be in newspapers of general circulation in the project's general area and in minority owned, minority targeted publications if available.
- ❑ Copies of letters asking assistance from the South Carolina Statewide Minority Business Development Center, the South Carolina Governor's Office of Small & Minority Business Assistance, or other agencies or organizations that provide procurement assistance to DBEs.
- ❑ A list of those DBE firms from whom bids were received but were not awarded a subcontract. If a DBE firm did not receive a subcontract, the documentation must show that the proposed subcontractor offered a lower price than the DBE firm and that *the scope of work subcontracted was the same scope of work bid on by the DBE* and not a reduced portion thereof.

Upon submittal of the DBE package, DHEC will determine if deficiencies exist. If any such deficiencies are correctable, the project sponsor will be informed as to what actions must be taken. The proposed construction contract award will not be approved until the corrective action has been taken. Failure by the contractor to take the required corrective action or to explain to DHEC's satisfaction why the action cannot be taken may result in a finding by the project sponsor that the prime contractor is nonresponsive. This may be grounds for rejecting the bid.

Please note that DHEC cannot authorize the project sponsor to award the construction contract(s) until the project's good faith efforts are approved.

REPORTING REQUIREMENTS

The DBE approval is contingent upon the prime contractor's commitment to use the services of the DBE firm(s) reported. After the SRF project sponsor awards the construction contract(s), copies of each DBE subcontract must be forwarded to DHEC as soon as possible.

Any proposed changes from the approved DBE participation must be reported to DHEC prior to initiation of the action, with the reason for the proposed deviation. DHEC must give approval for the change. Failure to receive approval may result in costs associated with that subagreement declared ineligible for SRF assistance.

If deviations occur, the prime contractor must continue to demonstrate positive efforts by soliciting participation of other qualified DBE firm(s) as substitutes. Also, if the prime contractor decides, at a later date, to subcontract additional portions of this project not approved by DHEC, he must again provide DHEC with evidence of the positive steps taken to use DBE businesses and obtain DHEC approval prior to entering into any subagreement.

The sponsor's project inspector is required to list all subcontractors on the job site in the Monthly Construction Inspection Reports provided to DHEC. **Use of any unapproved subcontractor on the project may delay loan draw requests or result in costs associated with that subcontract declared ineligible for SRF assistance.**

MBE/WBE Quarterly Reports

Each project sponsor is required to submit MBE/WBE Utilization Reports (EPA Form 5700-52A) (Appendix F) if they or their prime contractors have contracts with minority or women owned

businesses. Submission of this report begins in the federal fiscal year quarter the project sponsor awards its first contract and continues until all DBE contracts have been reported. Submission of this report is required even if there is no MBE/WBE activity to report in that particular quarter (this is called a negative report).

The prime contractor should submit MBE/WBE Quarterly Reports to the project sponsor in duplicate within 10 days of the end of the quarter (January 10, April 10, July 10, and October 10). The project sponsor should forward one copy of this report (adding their own DBE information to the report, if applicable) to this office within 15 days of the end of the federal fiscal quarter. **Failure to meet this requirement may result in loan draw requests being held pending receipt of the MBE/WBE Quarterly Utilization Report.**

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Discrimination in employment practices on the basis of race, color, religion, national origin, sex, age or handicap is prohibited. The affirmative action program is designed to enhance hiring, training and promotion opportunities for minorities and women and is governed by the federal authority:

➤ Equal Employment Opportunity (EEO), Executive Order 11246.

These provisions, applicable to SRF projects, commit the contractor and subcontractor to maintain a policy of nondiscrimination in the treatment of employees, to make this policy known to employees, and to recruit, hire and train employees without regard to race, color, sex, age, handicap, religion or national origin.

By submission of a bid, each bidder acknowledges that he understands and agrees to be bound to the EEO requirements and to also contractually bind each subcontractor, if applicable.

EEO DOCUMENTATION

The standard SRF plans and specifications package contains a section called SRF Contract Documents. This section contains information on the EEO requirements for the project. **It is mandatory for this section to be included verbatim in the project specifications. Also, prime contractors must include these provisions in any subcontracts over \$2,000.**

The EEO documentation required by Special Notice #1 of Executive Order 11246, as amended, must be submitted for **all prime contractors and any subcontractor whose contract amount exceeds \$10,000.** Special Notice #1 requires documentation of the following:

- ☐ Project number. Project location. Type of construction.
- ☐ Copy of Certification by Proposed Prime or Subcontractor Regarding Equal Employment Opportunity. (Appendix G).
- ☐ Copy of EEO-1 Report (Employer Information Report, annually submitted to the Equal Employment Opportunity Commission). (This report is required for any company with 100 or more employees. If the construction company does not meet this criterion, please provide DHEC with a written statement documenting the number of employees.)
- ☐ Copy of the Affirmative Action Plan of the contractor. Indicate company official responsible for EEO.
- ☐ List of current construction contracts, with dollar amount. List contracting federal agency, if applicable.
- ☐ Statistics concerning company's work force (permanent and temporary) by sex, race, trade and age. List any handicapped employees.
- ☐ List of employment sources for the project in question. If union sources are used, indicate percentage of minority membership within the union crafts.
- ☐ Anticipated employment needs for this project, by sex, race, and trade, with estimate of minority participation in specific trades.

- ☐ List of subcontractors (name, address and telephone) with dollar amount and duration of subcontract. (Prime Contractor's Subagreement Certification form (Appendix E) must be used to provide this information.) *Subcontractors whose contract amount exceeds \$10,000 must submit the above eight items.*
- ☐ List of any subcontract work yet to be committed with estimate of dollar amount and duration of contract. (Prime Contractor's Subagreement Certification form (Appendix E) must be used to provide this information.)
- ☐ Contract Price. Duration of prime contract.
- ☐ MBE Documents - See special instructions regarding use of Minority Owned, Women Owned and Small Businesses.

REPORTING REQUIREMENTS

The tentatively selected bidder is required to submit the above EEO documentation in duplicate to the project sponsor after bid opening. The project sponsor must forward one copy of the information to DHEC as part of their bid package.

Failure to comply with the EEO requirements may be grounds for rejecting the bid. DHEC cannot authorize the project sponsor to award the construction contract(s) until this requirement is met.

PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS

Under the federal authorities:

- Debarment and Suspension, Executive Order 12549
- Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans,

prime contractors are required to certify that they are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participating in a contract using federal funds. In turn, prime contractors will require subcontractors whose contract amount is expected to equal or exceed \$25,000 to also submit a “Debarred Certification” (see Appendix H).

APPENDIX A

Preaward Compliance Review Report for All Applicants Requesting Federal Financial Assistance (EPA form 4700-4)



United States Environmental Protection Agency
Washington, DC 20460

Preaward Compliance Review Report for All Applicants Requesting Federal Financial Assistance

FORM Approved
OMB No. 2090-0014
Expires 4-30-99

Note: Read instructions before completing form.

I. A. Applicant (Name, City, State)	B. Recipient (Name, City, State)	C. EPA Project No.
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II. Brief description of proposed project, program or activity.

III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient?
If yes, list those complaints and the disposition of each complaint.

☐ Yes ☐ No

IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance?
If yes, list those compliance reviews and status of each review.

☐ Yes ☐ No

V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity?
If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance.

☐ Yes ☐ No

VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.

VII. Population Characteristics	Number of People
1. A. Population of Entire Service Area	
B. Minority Population of Entire Service Area	
2. A. Population Currently Being Served	
B. Minority Population Currently Being Served	
3. A. Population to be Served by Project, Program or Activity	
B. Minority Population to be Served by Project, Program or Activity	
4. A. Population to Remain Without Service	
B. Minority Population to Remain Without Service	

VIII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons?
If no, explain how a regulatory exception (40 CFR 7.70) applies.

☐ Yes ☐ No

IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why.

X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete.
I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

A. Signature of Authorized Official	B. Title of Authorized Official	C. Date
-------------------------------------	---------------------------------	---------

For the U.S. Environmental Protection Agency

<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Authorized EPA Official	Date
--	-------------------------	------

General

Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the title shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment). Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of The Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual shall solely by reason of handicap be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of handicap is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person on the basis of sex shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution.

The information on this form is required to enable the U.S. Environmental Protection Agency to determine whether applicants and prospective recipients are developing projects, programs and activities on a nondiscriminatory basis as required by the above statutes.

Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission.

If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable."

In the event applicant is uncertain about how to answer certain questions, EPA program officials should be contacted for clarification.

ITEMS

- IA. "Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance.
- IB. "Recipient" means any entity, other than applicant, which will actually receive EPA assistance.
- IC. Self-explanatory.
- II. Self-explanatory.
- III. "Civil rights lawsuits" means any lawsuit or complaint alleging discrimination on the basis of race, color, national origin, sex, age, or handicap pending against the applicant and/or entity which actually benefits from the grant. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed.
- IV. "Civil rights compliance review" means any review assessing the applicant's and/or recipient's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or handicap. If any part of the review covered the entity which will actually benefit from the grant, it should be listed.
- V. Self-explanatory.
- VI. The word "community" refers to the area under the applicant's and/or recipient's jurisdiction. The "community" might be a university or laboratory campus, or a community within a large city. If there is significant disparity between minority and nonminority populations to receive service, not otherwise satisfactorily explained, the Regional office may require a map which indicates the minority and nonminority population served by this project, program or activity.
- VII. This information is required so that reviewers may determine if a disparity in the proposed provision of services will exist in the event the application is approved for funding. Give population of recipient's jurisdiction, broken out by categories as specified.
In the event the applicant cannot provide the requested information because the funds will be distributed over a wide demographic area which is yet to be determined, an explanation may be provided on a separate sheet. For example, a State applying for a capitalization grant under the State Revolving Fund program may not know which cities and counties will apply for, and receive, SRF loans.
- VIII. Self-explanatory.
- IX. "Jurisdiction" means the geographical area over which applicant has the authority to provide service.
- X. Self-explanatory.

"Burden Disclosure Statement"

EPA estimates public reporting burden for the preparation of this form to average 30 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

APPENDIX B

**(CWSRF) Certification Regarding Uniform Relocation Assistance and Real Property
Acquisition Policies Act of 1970 (DHEC Form 3593)**



Project No.: _____

Sponsor: _____

**STATE OF SOUTH CAROLINA
CLEAN WATER STATE REVOLVING FUND (SRF) PROGRAM
CERTIFICATION REGARDING UNIFORM RELOCATION ASSISTANCE
AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970**

The prospective participant certifies to the best of its knowledge and belief that:

- a. It is in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act);
- b. Acquisition of real property did not result in the displacement of any person, business, or farm operation. If relocation was involved in the land acquisition, the Federal Highway Administration (FHA) was contacted for technical assistance. (DHEC will request FHA confirmation of the project's certification of compliance.)

Yes _____ No _____

- c. Acquired land is an integral part of the treatment process, e.g., land application.

Yes _____ No _____

I understand that a false statement on this certification may be grounds for rejection or termination of this award.

Signature of Sponsor's Attorney or Designated Representative

Date

Typed Name and Title of Sponsor's Attorney or Designated Representative

I am requesting a waiver from compliance with the Uniform Act as land and/or easements associated with this project were acquired prior to the inception of the project. Date of possession of such waived land or easements: _____

Attached is a detailed explanation.

Submit to:

SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201

APPENDIX C

**(DWSRF) Certification Regarding Uniform Relocation Assistance and Real Property
Acquisition Policies Act of 1970 (DHEC Form 3594)**



Project No.: _____

Sponsor: _____

**STATE OF SOUTH CAROLINA
DRINKING WATER STATE REVOLVING FUND (SRF) PROGRAM
CERTIFICATION REGARDING UNIFORM RELOCATION ASSISTANCE
AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970**

The prospective participant certifies to the best of its knowledge and belief that:

d. It is in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act);

e. Acquisition of real property did not result in the displacement of any person, business, or farm operation. If relocation was involved in the land acquisition, the Federal Highway Administration (FHA) was contacted for technical assistance. (DHEC will request FHA confirmation of the project's certification of compliance.)

Yes _____ No _____

f. Acquired land is needed to locate an eligible SRF treatment or distribution project.

Yes _____ No _____

g. Acquired land was purchased from a willing seller.

Yes _____ No _____

I understand that a false statement on this certification may be grounds for rejection or termination of this award.

Signature of Sponsor's Attorney or Designated Representative

Date

Typed Name and Title of Sponsor's Attorney or Designated Representative

I am requesting a waiver from compliance with the Uniform Act as land and/or easements associated with this project were acquired prior to the inception of the project. Date of possession of such waived land or easements: _____

Attached is a detailed explanation.

Submit to:

SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201

APPENDIX D
Contacts for Procurement of DBEs

Office of Small & Minority Business Assistance
South Carolina Office of the Governor
1205 Pendleton Street, Suite 418
Columbia, South Carolina 29201
Telephone: (803) 734-0657

South Carolina Department of Transportation
Office of Compliance, Room 403
Post Office Box 191
Columbia, South Carolina 29202
Telephone: (803) 737-1372

South Carolina Statewide Minority Business Development Center
2111 Bull Street
Columbia, South Carolina 29201
(803) 779-5905

APPENDIX E

Prime Contractor's Subagreement Certification (DHEC Form 3591)



**STATE OF SOUTH CAROLINA
STATE REVOLVING FUND (SRF) PROGRAM
PRIME CONTRACTOR'S SUBAGREEMENT CERTIFICATION**

Project Name:

Project Number:

Contractor's Name:

Contractor's Telephone Number:

Contractor's Address:

SECTION I - INSTRUCTIONS

All prime contractors are required to certify whether or not they plan to utilize subcontractors for any portion of work throughout the life of their contract.

SECTION II - CERTIFICATION

I, as the authorized representative of the above named contracting firm, certify that we:



Plan to subcontract a portion of this project and will submit to SCDHEC evidence of the positive steps taken to utilize minority and women's businesses as required by Executive Order 11246 prior to entering into any subagreement. We agree to submit MBE/WBE quarterly utilization reports (U.S. EPA Form 5700-52A). (Please list each tentative subcontractor on the back of this form.)



Do not elect to subcontract any portion of this project. We understand that should we elect, at a later date, to subcontract a portion of this project, we will be required to provide evidence of the positive steps taken to utilize minority and women-owned businesses as required by Executive Order 11246 prior to entering into any subagreement. Failure to do so may result in costs associated with that subagreement declared ineligible for SRF assistance.

Name and Title:

Signature:

Date:

Please list all tentative subcontractors you plan to use for this project, identifying whether or not they are a minority business enterprise (MBE) or a women-owned business enterprise (WBE). If more space is needed, please attach an additional sheet using the same format as below.

4. Type of Work:
Subcontractor's Name and Address:

Contact Person:
Telephone Number:
Subcontract Amount:
Duration of Subcontract:
MBE or WBE?

5. Type of Work:
Subcontractor's Name and Address:

Contact Person:
Telephone Number:
Subcontract Amount:
Duration of Subcontract:
MBE or WBE?

6. Type of Work:
Subcontractor's Name and Address:

Contact Person:
Telephone Number:
Subcontract Amount:
Duration of Subcontract:
MBE or WBE?

7. Type of Work:
Subcontractor's Name and Address:

Contact Person:
Telephone Number:
Subcontract Amount:
Duration of Subcontract:
MBE or WBE?

List of subcontract work yet to be committed with approximate price and duration of subcontract.

1.

2.

3.

4.

Submit to: SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201

APPENDIX F

MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Interagency Agreements (EPA Form 5700-52A)

U.S. ENVIRONMENTAL PROTECTION AGENCY

MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND INTERAGENCY AGREEMENTS

PART I. (NEGATIVE REPORTS ARE REQUIRED)

1A. FEDERAL FISCAL YEAR 19____		1B. REPORTING QUARTER (Check appropriate box) <input type="checkbox"/> 1st(Oct-Dec) <input type="checkbox"/> 2nd(Jan-Mar) <input type="checkbox"/> 3rd(Apr-Jun) <input type="checkbox"/> 4th(Jul-Sep) <input type="checkbox"/> Annual	
2. FEDERAL FINANCIAL ASSISTANCE AGENCY (EPA, Office, Address)		3. REPORTING RECIPIENT (Name and Address)	
2A. REPORTING CONTACT	PHONE:	3A. REPORTING CONTACT	PHONE:
4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER		4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM	
5A. TOTAL GRANT MONEY \$		5B. TOTAL CONTRACT/PROCUREMENT AMOUNT THIS QUARTER \$	
\$		5C. RECIPIENT'S MBE/WBE GOALS	
		MBE % WBE %	
5D. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD MBE \$ WBE \$			5E. NEGATIVE REPORT (Check) ____ ____ SEE INSTRUCTIONS
6. COMMENTS:			
7. NAME OF AUTHORIZED REPRESENTATIVE			TITLE
8. SIGNATURE OF AUTHORIZED REPRESENTATIVE			DATE

MBE/WBE PROCUREMENTS MADE DURING QUARTER

PART II.

Procurement Made By		Business Enterprise		\$ Value of Procurement	Date of Award MM/DD/YY	Type of Product or Service ¹ (Enter Code)	Name/Address of MBE/WBE Contractor or Vendor
Recipient	Other	Minority	Women				

¹Type of product or service codes:

1 = Agriculture
2 = Mining
3 = Construction
4 = Manufacturing

5 = Transportation
6 = Wholesale Trade
7 = Retail Trade
8 = Finance, Insurance, Real Estate

9 = Services
a = Business Services
b = Professional Services
c = Repair Services
d = Personal Services

10 = Other

INSTRUCTIONS

MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND INTERAGENCY AGREEMENTS EPA FORM 5700-52A

A. General Instructions

MBE/WBE utilization is based on Executive Orders 11625, 12138, 12432, P.L. 102-389 and EPA Regulations Part 30 and 31. EPA Form 5700-52A must be completed by recipients of Federal grants, cooperative agreements, or other Federal financial assistance which involve procurement of supplies, equipment, construction or services to accomplish Federal assistance programs.

Recipients are required to report to EPA within one month following the end of each Federal fiscal year quarter or annually as in the agreement.

B. Definitions

Procurement is the acquisition through order, purchase, lease or barter of supplies, equipment, construction or services needed to accomplish Federal assistance programs.

A *contract* is a written agreement between an EPA recipient and another party (other than another public agency) and any lower tier agreement for equipment, services, supplies, or construction necessary to complete the project. Includes personal and professional services, agreements with consultants, and purchase orders.

A *minority business enterprise* (MBE) is a business that is (1) at least 51 percent owned by one or more minority individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners.

U.S. citizenship is required. Recipients shall presume that minority individuals include Black Americans, Hispanic Americans, Native Americans, Asia Pacific Americans, or other groups whose members are found to be

disadvantaged by the Small Business Act or by the Secretary of Commerce under section 5 of Executive order 11625. The reporting contact at EPA can provide additional information.

A *woman business enterprise* (WBE) is a business concern that is, (1) at least 51 percent owned by one or more women, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women and (2) whose daily business operations are managed and directed by one or more of the women owners.

Business firms which are 51 percent owned by minorities or women, but are in fact managed and operated by non-minority individuals do not qualify for meeting MBE/WBE procurement goals.

The following affirmative steps for utilizing MBEs and WBEs are required to be documented:

1. Inclusion of MBEs/WBEs on solicitation lists.
2. Assure MBEs/WBEs are solicited once they are identified.
3. Where feasible, divide total requirements into smaller tasks to permit maximum MBE/WBE participation.
4. Where feasible, establish delivery schedules which will encourage MBE/WBE participation.
5. Encourage use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBDA) and the U.S. Small Business Administration to identify MBEs/WBEs.
6. Require that each party to a subgrant, subagreement, or contract award take the affirmative steps outlined here.

C. Instructions for Part I:

1. Complete Federal fiscal year and check applicable reporting box quarterly or annually. (Federal fiscal year runs from October 1 through September 30.)
2. **“Will be provided by EPA.”**
3. Identify the agency, state authority, university or other organization which is the recipient of the Federal financial assistance and the person to contact concerning this report.
- 4a. Grant/cooperative agreement or Interagency Agreement number assigned by EPA.
- 4b. Refer back to grant document for this information.
- 5a. Total grant amount which includes Federal funds plus recipient matching funds and funds from other sources.
- 5b. Total contracts/procurements awarded this quarter. For example: Actual dollars for procurement from the procuring office; actual contracts let from the contracts office; actual goods, services, supplies, etc., from other sources including the central purchasing/procurement centers).
- 5c. Portion of total procurement dollars recipient plans to spend with MBEs or WBEs this fiscal year. With the concurrence of EPA, a fair share goal shall be determined by each recipient.
- 5d. Dollar amount of all MBE/WBE procurement amounts awarded under this reporting period. (These amounts include the Federal, State and local shares in the procurement awards).
- 5e. Check only if no procurements were made this reporting period. (If dollar amounts are shown in 5b. indicate reason in 6. Comments Section).
6. Additional comments or explanations. Please refer to specific item number(s) if appropriate.
7. Name and title of official administrator or designated reporting official.

8. Signature and month, day year report submitted.

D. Instructions for Part II:

For each MBE/WBE procurement made under this assistance agreement during the reporting period, provide the following information:

1. Check whether this is a *first tier* procurement made directly by Federal financial assistance recipient or other *second tier* procurement made by recipient's subgrantee or prime contractor. Include all qualifying second tier purchases executed this quarter regardless of when the first tier procurement occurred.
2. Check MBE or WBE.
3. Dollar value of procurement.
4. Date of award, shown as month, day, year.
5. Using codes at the bottom of the form, identify type of product or service acquired through this procurement (eg., enter 1 if agriculture, 2 if mining, etc.).
6. Name and address of MBE/WBE firm.

This data is requested to comply with provisions mandated by: statute or regulations (40 CFR Part 30 and 31); OMB Circulars; or added by EPA to ensure sound and effective assistance management. Accurate, complete data are required to obtain funding, while no pledge of confidentiality is provided.

The public reporting and recording burden for this collection of information is estimated to average 1 hour per response annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclosure or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2136), 401 M St., S.W., Washington, D.C. 20460. Include

the OMB Control number in any correspondence. Do not sent the completed form to this address.

APPENDIX G

Certification of Proposed Prime or Subcontractor Regarding Equal Employment Opportunity (DHEC Form 3592)



**STATE OF SOUTH CAROLINA
STATE REVOLVING FUND (SRF) PROGRAM
CERTIFICATION BY PROPOSED PRIME OR SUBCONTRACTOR
REGARDING EQUAL EMPLOYMENT OPPORTUNITY**

Name of Prime Contractor _____

Project No. _____

INSTRUCTIONS

This certification is required pursuant to Executive Order 11246, Part II, Section 203 (b), (30 F.R. 12319-25). Any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicated that the prime or subcontractor has not filed a compliance report due under applicable instruction, such contractor shall be required to submit a compliance report.

CONTRACTOR'S CERTIFICATION

Contractor's Name: _____

Address: _____

1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause.
Yes _____ No _____
2. Compliance Reports were required to be filed in connection with such contract or subcontract.
Yes _____ No _____
3. Bidder has filed all compliance reports due under applicable instructions, including SF-100.
Yes _____ No _____
4. If answer to item 3 is NO, please explain in detail on reverse side of this certification.

Certification - The information above is true and complete to the best of my knowledge and belief. (A willfully false statement is punishable by law - U.S. Code, Title 18, Section 1001).

Name and Title of Signer (Please Type)

Signature

Date

*Submit to:
SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201*

APPENDIX H

Certification Regarding Debarment, Suspension and Other Responsibility Matters (DHEC Form 3590)



Project No.: _____

Sponsor: _____

**STATE OF SOUTH CAROLINA
STATE REVOLVING FUND (SRF) PROGRAM
CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Name of Firm Submitting Bid

Signature and Title of Authorized Official

Date

I am unable to certify to the above statements. Attached is my explanation.

Prime or Subcontractor's Name: _____

Telephone Number: _____

*Submit to:
SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201*